

REMARKS/ARGUMENTS

Claims 1, 2, 4-7, 9-15, and 17-23 are currently pending. Applicants have amended claims 1, 7, and 15. Applicants submit that no new material has been added as a result of these amendments.

Claims 1-5, 7, 9-13, 15, 17-19, and 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benyassine et al. (US Patent No. 6,721,712)(hereinafter "Benyassine") in view of Kramer et al. (U.S. Patent No. 6,658,027)(hereinafter "Kramer").

Claims 6, 14, 18, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benyassine in view of Kramer and further in view of Mizusawa et al. (US Patent Publication No. 2002/0037002)(hereinafter "Mizusawa").

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §103

Claims 1-5, 7, 9-13, 15, 17-19, and 20-23

Claims 1-5, 7, 9-13, 15, 17-19, and 20-23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benyassine in view of Kramer.

Solely in order to expedite prosecution, independent claims 1, 7, 11, 15, and 20 have been amended, Applicants submit that even if Benyassine and Kramer could be combined as suggested in the Office Action, the combination fails to disclose or suggest all of the features of claim 1. For example, claim 1 recites, in part, that "the audio data frames transmitted at the first frame rate have a first interval between the frames, wherein the audio data frames transmitted at the second frame rate have a second interval between the frame, and wherein the first interval and the second interval are constant."

Benyassine is directed to a conversion scheme for use between discontinuous transmission ("DTX") and non-DTX speech coding systems. The DTX method is used to reduce the amount of data that has to be transmitted across a channel. DTX reduces the amount of data to transmitted across the channel by suspending the speech-data transmission across the channel

when there is a pause in the conversation. Thus, Benyassine does not teach and instead teaches away from the audio data transmitted at both the first frame rate and the second frame rate have constant intervals between the frames of audio data, because the intervals between frames of audio data transmitted from the DTX device vary depending upon whether there are pauses in the speech activity. Kramer fails to remedy the deficiencies of Benyassine.

For at least the reasons provided, the combination of Benyassine and Kramer fails to disclose or suggest all of the features of claim 1. Independent claims 7, 11, 15, and 20 should also be allowable for similar reasons as claim 1. Dependent claims 2-5, which depend from claim 1, claims 9 and 10, which depend from claim 7, claims 12 and 13, which depend from claim 11, claims 17-19, which depend from claim 15, and claims 21-23, which depend from claim 20, should also be in condition for allowance at least due to their dependence from independent claims 1, 7, 11, 15, and 20, respectively.

Accordingly, withdrawal of the rejection of claims 1-5, 7, 9-13, 15, 17-19, and 20-23 under 35 U.S.C. §103(a) is respectfully requested.

Claims 6, 14, 18, and 22

Claims 6, 14, 18, and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Benyassine in view of Kramer and further in view of Mizusawa.

Claim 6 depends from claim 1, claim 14 depends from claim 11, claim 18 depends from claim 15, and claim 22 depends from claim 20, and the rejection of claims 6, 14, 18, and 22 is premised on the assertion that the combination of Benyassine and Kramer discloses or suggests the features recited in claims 1, 11, 15 and 20 and Mizusawa discloses or suggests the remaining features of claims 6, 14, 18, and 22. As discussed above, however, the combination of Benyassine and Kramer does not disclose or suggest all of the features recited in claims 1, 11, 15 and 20. As best understood, Mizusawa provides no teaching or suggestion that would remedy this deficiency.

Accordingly, withdrawal of the rejection of claims 6, 14, 18, and 22 under 35 U.S.C. §103 is respectfully requested.

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 858-350-6100.

Respectfully submitted,

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